



Cantor Colburn LLP

Intellectual Property Attorneys

Steven M. Coyle
scoyle@cantorcolburn.com
Partner

HARTFORD
20 Church Street
22nd Floor
Hartford, CT 06103
phone: 860-286-2929
fax: 860-286-0115

WASHINGTON, D.C.
1800 Diagonal Road
Suite 400
Alexandria, VA 22314
phone: 703-236-4500
fax: 703-236-4501

ATLANTA
1180 Peachtree Street
Suite 2050
Atlanta, GA 30309
phone: 404-607-9991
fax: 404-607-9981

HOUSTON
2603 Augusta Drive
Suite 1270
Houston, TX 77057
phone: 713-266-1130
fax: 713-266-8510

DETROIT
201 W. Big Beaver Road
Suite 1101
Troy, MI 48084
phone: 248-524-2300
fax: 248-524-2700

www.cantorcolburn.com

VIA ECF AND E-MAIL (chambersnysdseibel@nysd.uscourts.gov)

October 23, 2015

The Honorable Cathy Seibel
United States District Judge
U.S.D.C. Southern District of New York
300 Quarropas Street
White Plains, NY 10601-4150

Re: *The Wave Studio, LLC v. Amadeus North America, Inc., et al.*
Case No. 7:15-cv-06995-CS

Dear Judge Seibel:

On October 5, 2015, the undersigned counsel, on behalf of Defendant priceline.com LLC (“Priceline”), submitted a letter to the Court seeking an extension to October 26, 2015 of the deadline for Priceline to answer or otherwise respond to Plaintiff’s Complaint. [Dkt. No. 45] On October 5, 2015, the Court granted Priceline’s request [Dkt. No. 47]. This letter is submitted to request a further extension of the deadline for Priceline to answer or otherwise respond to Plaintiff’s Complaint as set forth below. Counsel for Plaintiff, The Wave Studio, LLC, has assented and stipulated to the requested extension.

By way of background, Plaintiff originally filed this action in the United States District Court for the Northern District of California (N. D. Cal. Case No. 15-cv-01364-RS). After Priceline was served with the Complaint on May 20, 2015, Plaintiff and Priceline stipulated on prior occasions to extend the time for Priceline to respond to the Complaint so as to enable Priceline to evaluate the allegations and for the parties to engage in discussions concerning a possible stipulated transfer to the Southern District of New York where other related proceedings are now pending. [Dkt. Nos. 20, 28].

On September 1, 2015, the parties stipulated, and the N.D. CA district court ordered, that this matter be transferred to this Court. [Dkt. No. 40] The case was transferred to this Court on September 4, 2015 [Dkt. No. 41], and on that date the case was referred to Your Honor as possibly related to the following case: *The Wave Studio v. General Hotel Management Ltd., et al.*,

Cantor Colburn LLP
Intellectual Property Attorneys

The Honorable Cathy Seibel
October 23, 2015
Page | 2

Civil Case No. 7:13-cv-09239-CS (the “*Wave Studio v. GHM matter*”), which is currently pending in this Court.

We understand that as of September 9, 2015, after the instant matter was transferred to this Court, all of the other Wave Studio cases pending in this Court have been consolidated with *Wave Studio v. GHM matter*, and that all such cases have been stayed with respect to all defendants except for GHM. On October 8, 2015, the Court accepted the present case as related to the GHM Litigation pursuant to a Statement of Relatedness filed by Plaintiff on October 7, 2015 [Dkt. No. 49].

In view of the foregoing, the Defendants in the instant matter who have been served with the Complaint, including Priceline, Amadeus North America, Inc., and Cathay Pacific Airways Ltd., asked Plaintiff if it would stipulate to consolidate this matter with the *Wave Studio v. GHM matter*, and to stay the case with respect to such Defendants.

On October 16, 2015, Priceline sent counsel for Plaintiff a draft pre-motion letter to the Court with respect to consolidation of this matter with the *Wave Studio v. GHM matter*, and to stay the case with respect to such Defendants. As of this filing, counsel for Plaintiff is still reviewing the draft pre-motion letter.

Because of the upcoming October 26, 2015 deadline for Priceline to respond to the Complaint and given the ongoing discussions of consolidating and staying the present matter, counsel for Plaintiff has agreed to further extend the deadline for Priceline to answer or otherwise respond to the Complaint as follows:

1. If the Court grants the Defendants’ request to consolidate this matter with the *Wave Studio v. GHM matter*, and grants their request for a stay, then the time for Priceline to answer or otherwise respond to the Complaint is extended to 21 calendar days after the stay is lifted in the *Wave Studio v. GHM matter* as to Priceline;
2. If the Court denies the Defendants’ request to consolidate this matter with the *Wave Studio v. GHM matter*, or denies their request to stay the case with respect to such Defendants, then the time for Priceline to answer or otherwise respond to the Complaint is extended to 21 calendar days after the Court’s order.

Cantor Colburn LLP
Intellectual Property Attorneys

The Honorable Cathy Seibel
October 23, 2015
Page | 3

We are grateful for the Court's consideration of this request.

Respectfully submitted,

Steven M. Coyle, Esq. (SC0730)
scoyle@cantorcolburn.com
Jamie E. Platkin, Esq.
jplatkin@cantorcolburn.com
CANTOR COLBURN LLP
20 Church Street, 22nd Floor
Hartford, CT 06103
Tel: (860) 286-2929
Fax: (860) 286-0115

*Attorneys for Defendant
priceline.com LLC*

cc: All Counsel of Record via ECF